



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,289	06/30/2000	Reiner Kraft	ARC9-1999-0242	8226

23334 7590 07/03/2003

FLEIT, KAIN, GIBBONS,
GUTMAN & BONGINI, P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

HALIM, SAHERA

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 07/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary

Application No.

09/607,289

Applicant(s)

KRAFT ET AL.

Examiner

Sahera Halim

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-34 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-3, recite the limitation " the item of information " in the claims. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the claim is assumed as " information".

4. Claims 9, and 24 recite the limitation " in the subject category " in the claims. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the claim is assumed as " in a subject category".

5. Claim 19 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19, recites "sending a generating a web page including the question". It is not understood what is being claimed in this claim. For examination purposes it is understood as " generating and sending the question in a web page".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 10, 16 – 19, 20 – 25, and 31 - 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephanou, U.S. Pat. No. 6,505,166.

8. Reference to claim 1, Stephanou teaches a system for managing questions submitted by a person with a question (i.e., a question poser) and answered by one or more experts comprising (Abstract):

a question management server (ER serve; col. 3, line 13 – 25);

a question poser communication interface (col. 3, line 13 – 25);

an expert communication interface (col. 3, line 13 – 25);

an expert ranking database (database 20) for maintaining a list of experts in one or more categories along with an item of information indicative of one or more factors selected from a group of factors consisting of timeliness of an expert in providing answers and quality of answers provided by an expert (col. 3, line 13 – col. 4, line 41);

an expert set determinator for extracting a set of experts in a particular category from the expert ranking database (col. 3, line 13 – col. 4, line 41 and col. 7, line 30 – 40); and

a sliding window manager for extracting a contiguous subset of the set of experts to whom to send a question received from a question poser (col. 5, line 13 – 51).

9. Regarding claim 2, Stephanou teaches a system according to claim 1, further comprising a user-session manager for receiving feedback from the question poser (col. 4, line 1 – 8); and a ranking manager for adjusting information in accordance with the feedback received from the question poser (col. 4, line 1 – 41).

10. Reference to 3, Stephanou discloses a system according to claim 1, further comprising: an expert timer manager for timing the time taken by an expert to answer a question (col. 4, line 1 – 21); and a ranking manager for adjusting information in accordance with the time taken by the expert to answer the question (col. 3, line 13 – col. 4, line 41).

11. Regarding claim 4, Stephanou system according to claim 1, further comprising: a user-session manager for receiving feedback from the question poser (col. 4, line 1 – 41); an expert timer manager for timing the time taken by an expert to answer a question (col. 4, line 1 – 41); and a ranking manager for adjusting information in accordance with the time taken by the expert to answer the question and the feedback received from the question poser (col. 3, line 13 – col. 4, line 41).

Art Unit: 2157

12. Reference 5, Stephanou teaches a method on a server for managing questions received via a network from a plurality of client systems comprising steps of (abstract):

receiving a question from a question poser using a client system (Fig. 1, col. 3, line 13 – 25);

extracting a set of experts with associated ranking scores (col. 3, line 13 – col. 4, line 41 and col. 5, line 21 – 65);

selecting a subset of the set of experts based on the associated ranking scores (col. 3, line 13 – col. 4, line 41 and col. 5, line 21 – 65); and

providing the question to the subset of experts (col. 3, line 13 – col. 4, line 41 and col. 5, line 21 – 65).

13. Reference to claim 6, Stephanou discloses a method according to claim 5, further comprising steps of:

receiving an answers from an expert (col. 5, line 29 – col. 6, line 6); and

sending the answer to the question poser (col. 5, line 29 – col. 6, line 6).

14. Regarding claim 7, Stephanou teaches a method according to claim 5, further comprising steps of:

receiving a feedback response from the question poser on the quality of an answer provided by the expert (col. 6, line 7 – 17 and col. 4, line 1 – 41); and

adjusting a ranking score associated with the expert on the basis of the feedback response (col. 4, line 1 – 41).

15. Reference to claim 8, Stephanou teaches method according to claim 6, further comprising steps of:

timing the time taken by the expert to answer the question (col. 3, line 56 – col. 4, line 41 and col.5, line 13 – 28); and

adjusting a ranking score associated with the expert on the basis of the time taken (col. 3, line 56 – col. 4, line 41 and col.5, line 13 – 28).

16. As to claim 10, Stephanou teaches a method according to claim 5, comprising steps of:

reading a time limit (col. 5, line 29 – 51 and col. 3, line 57 – col. 4, line 41);

starting a timer (col. 5, line 29 – 51 and col. 3, line 57 – col. 4, line 41);

waiting until the timer reaches the time limit (col. 5, line 29 – 51 and col. 3, line 57 – col. 4, line 41); and

adjusting a ranking score associated with the expert on the basis of the timer having reached the time limit (col. 5, line 29 – 51 and col. 3, line 57 – col. 4, line 41).

17. Regarding claim 16, Stephanou teaches a method for operating an expert answer web site comprising steps of (abstract):

receiving a question from a question poser (col. 3, line 13 – 25);

selecting a set of experts on the basis of one or more factors selected from a group of factors consisting of the timeliness of each expert in providing answers and the quality of the answers provided by each expert (col. 3, line 13 – col. 4, line 54); and

Art Unit: 2157

notifying the set of experts of the question (col. 3, line 13 – col. 4, line 54).

18. Regarding claim 17, Stephanou teaches the method according to claim 16, wherein the step of notifying the set of experts comprises a substep of:

e-mailing the question to the set of experts (col. 3, line 57 – 67).

19. Reference to claim 18, Stephanou teaches a method according to claim 16, wherein the step of notifying the set of experts comprises a substep of:

sending a wireless device messages to the set of experts (col. 3, line 13 – 25).

20. As to claim 19, Stephanou teaches a method according to claim 16, wherein the step of notifying the set of experts comprises a substep of:

generating a web page including the question (col. 3, line 13 – col. 4, line 41).

21. Claims 31-34 have similar limitations as claims 16 - 19, therefore claims 31-34 are rejected under the same rationale.

22. Claims 20 – 24 have the same limitation as claims 5 – 8, therefore, they are rejected under the same rationale.

23. Claim 10 has the same limitations as claim 25, therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 11, 14, 15, 26, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephanou in view of Gardner et al., U.S. Pat. No. 6,064,978.

26. Regarding claims 11 and 26, Stephanou does not disclose receiving a time constraint from the question poser.

However Gardner et al. discloses receiving a time constraint from the question poser (col. 1, line 45 – col. 2, line 18 and col. 3, line 8 –15). Having the teachings of Stephanou and Gardner et al., it would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Stephanou by receiving a time constraint from the question poser because it would help the experts manage their time accurately.

27. Regarding claims 14 and 29, Stephanou does not disclose sending an indication of a time limit for answering the question to an expert; and

receiving a message from the expert indicating that the time limit is too short.

However, Gardner et al. discloses sending an indication of a time limit for answering the question to an expert (col. 1, line 45 – col. 2, line 18 and col. 3, line 8 –15);

Art Unit: 2157

Having the teachings of Stephanou and Gardner et al., it would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Stephanou by receiving a time constraint from the question poser because it would help the experts manage their time accurately. Nonetheless, Gardener et al. does not disclose receiving a message from the expert indicating that the time limit is too short. However, it would have been obvious for one having ordinary skill in the art at time of the invention to modify Stephanou and Gardner et al. by adding the limitation of receiving a message from the expert indicating that the time limit is too short because it would let the question poser know why the question was not answered, thus allowing the question poser to make appropriate decisions.

28. Regarding claims 15 and 30, Stephanou and Gardner et al. do not teach:

storing the name of the expert in a list of experts that indicated that the time limit was too short;

waiting until a time period has elapsed;

obtaining a count of a number experts in the list;

performing a comparison of the count to a preselected threshold; and

adjusting a ranking score of the expert in accordance with an outcome of the comparison.

However, it would have been obvious for a person having ordinary skill in the at time of the invention to include the above limitations into Stephanou and Gardner et al. in order to make the system effective and efficient.

Art Unit: 2157

29. Claim 9, 12, 13, 24, 27 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Stephanou.

30. Reference to claims 9 and 24, Stephanou teaches a method according to claim 6, further comprising steps of:

timing the time taken by the expert to answer the question (col. 3, line 57 – col. 4, line 54); and

adjusting a ranking score on the basis of the time taken by the expert to answer the question, and the time for other experts to answer questions in the subject category (col. 3, line 57 – col. 4, line 54 and col. 5, line 13 - 28).

Stephanou does not disclose reading a typical time for other experts to answer questions in a subject category. However, this is an obvious modification to the invention of Stephanou. One having ordinary skill in the art at the time of the invention would be motivated to include reading a typical time for other experts to answer questions in a subject category in Stephanou's invention because it would give the expert an idea of how much time they have to answer the questions.

31. Regarding claims 12 and 27, Stephanou does not teach receiving an explicit declination to answer the question from an expert; and

adjusting a ranking score associated with the expert in response to receiving the explicit declination. However it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Stephanou by the above limitations to achieve customer

Art Unit: 2157

stratification by taking into account conditions such the expert declining to answer the question, the time taken to decline to answer, the method use to decline to answer etc.

32. Regarding claims 13 and 28 Stephanou does not teach receiving an explicit declination to answer the question from an expert;

performing a comparison of a time used by the expert to submit the explicit

declination to a preselected declination limit time; and

adjusting a ranking score associated with the expert in accordance with an outcome of the comparison.

However it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Stephanou by the above limitations to achieve customer stratification by taking into account conditions such the expert declining to answer the question, the time taken to decline to answer, the method use to decline to answer etc.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,948,054 to Nielsen

U.S. Pat. No. 6,026,148 to Dworkin et al.

U.S. Pat. No. 6,026,396 to Hall

U.S. Pat. No. 6,394,899 to Walker

U.S. Pat. No. 6,195,654 to Wachtel

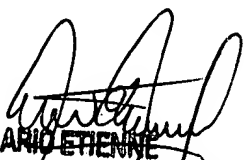
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (703) 305-8054. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sahera Halim
Patent Examiner
Art Unit: 2157

June 28, 2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100